IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Urgency Application No. 4352 of 2005
In
Writ Petition No. 4620 (S/S) of 2001

1. Vinod lal Shah, aged about 40 years, son of Sri Nand Lal Shah, resident of Jhutiya Tehsil and District-Nainital.
2. Bhupal Singh Negi, aged about 33 years, son of Sri Surandra Singh Negi, resident of Chapar Tehsil and District-Nainital.
3. Bhachi Singh, aged about 45 years, son of Sri Bhadur, resident of Mawara Post-Nathua Khan, Tehsil and District-Nainital.
4. Harak Singh Bisht, aged about 42 years, son of Sri Dav Singh, resident of Lose Gayani, Post- Nathua Khan, Tehsil and District- Nainital.

.....Petitioners.

V e r s u s

1. State of Uttaranchal, through its Secretary, Urban Development at Dehradun.
2. Kumaon Jal Sansthan, Nainital through its General Manager.
3. Executive Engineer, Kumaon Jal Sansthan, Nainital.
4. Superintending Engineer, Kumaon Jal Sansthan, Jal Nigam.

.....Respondents

Hon'ble P.C. Verma, J.

Heard Sri I.D. Paliwal learned counsel for the petitioners and learned standing counsel, who has accepted notices of behalf of respondents.

Learned counsel for both the parties are agreed to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioners have prayed to issue a writ in the nature of mandamus commanding the opposite parties to regularize the services of the petitioner on their posts and pay them the minimum pay scale as the other similarly situated persons are being paid from the date of their regularization.

Learned counsel for the petitioner has submitted that petitioners no 1 to 4 were appointed as Beldar/Chaukidar in the year 1990, 1989, 1985 and 1987 respectively in Ramgar Pey Jal Yojna, Project, which has now been transferred to Kumaon Jal Sansthan. Now, the petitioners are working in Kumaon Jal Sansthan. The work and conduct of the petitioners have always been found satisfactory and there is no complaint against any of them. The service careers of the petitioners are unblemished till date. No adverse entry whatsoever has been communicated to them.

It is nowhere stated in the writ petition whether any sanctioned posts (s) is in existence or not. Petitioners have made representation to the respondents for regularization of their service but till date no action has been taken by the respondents.

Since the petitioners have served the Institution for more than ten years, therefore, it is provided that till the petitioners are regularized, respondents shall pay them minimum of pay scale. If the vacancies are available, the cases of the petitioners shall be considered for regularization as per seniority, which is reckoned from the

date of their engagement. If there is no post vacant at present, the future vacancy accrued, shall be first filled by these petitioners. No fresh recruitment shall be made till the petitioners are regularized.

With this direction the writ petition is finally disposed of. Accordingly, urgency application is also disposed of. No. order as to costs.

(P.C. Verma, J.)

July 18, 2005
S.K. Sharma